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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[F.C.A. 167]

LOANS FOR REFINANCING CERTIFICATES OF INDEBTEDNESS AND PREFERRED STOCK

FEBRUARY 27, 1940.

Section 71.15 of Title 6, Code of Federal Regulations, entitled "Loans for Refinancing Certificates of Indebtedness and Preferred Stock," is hereby rescinded. (Secs. 13, 14, 49 Stat. 317; 12 U. S. C., Sup. 1134j, 1134c) [Loan Guide, Supplement No. 33, dated December 14, 1939]

[SEAL]

S. D. SANDERS,
Cooperative Bank Commissioner.

[F. R. Doc. 40-823; Filed, February 27, 1940; 11:36 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3734]

IN THE MATTER OF AFFILIATED PRODUCTS, INC.

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.96 (a) (4) *Using misleading name—Goods—Nature.* Disseminating, etc., in connection with offer, etc., in commerce, of cosmetics, advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce of respondent's Edna Wallace Hopper's Special Restorative Cream and Edna Wallace Hopper's White Youth

Pack (Clay), or other similar cosmetics, which advertisements (1) represent, directly or through implication, that respondent's Edna Wallace Hopper's Special Restorative Cream is the discovery of a great French scientist, and that its use will rejuvenate the skin or restore the oils of youth or restore youthful appearance to aged skin, will make one's face appear ten or any number of years younger, and will keep the skin young and prevent or erase wrinkles or age lines, or that it is a restorative cream, or (2) use the word "Restorative," or any word or words of similar import or meaning, in the trade name designating, or otherwise in describing, the preparation now designated Edna Wallace Hopper's Special Restorative Cream, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Affiliated Products, Inc., Docket 3734, February 14, 1940]

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., in connection with offer, etc., in commerce, of cosmetics, advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce of respondent's Edna Wallace Hopper's Special Restorative Cream and Edna Wallace Hopper's White Youth Pack (Clay), or other similar cosmetics, which advertisements represent, directly or through implication, that respondent's Edna Wallace Hopper's White Youth Pack (Clay) is of French origin, and that it will nourish or revive the skin, and will remove blackheads or eliminate enlarged pores or have any beneficial effect thereon other than that the use of this preparation may loosen blackheads and thereby aid in the removal thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Affiliated Products, Inc., Docket 3734, February 14, 1940]

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 6—AGRICULTURAL CREDIT:	Page
Farm Credit Administration:	
Loans for refinancing certificates of indebtedness and preferred stock.....	805
TITLE 16—COMMERCIAL PRACTICES:	
Federal Trade Commission:	
Affiliated Products, Inc., cease and desist order.....	805
TITLE 21—FOOD AND DRUGS:	
Food and Drug Administration:	
Canned foods (two or more of certain vegetables), definition and standard of identity.....	806
Tea Act, standards under.....	806

NOTICES

Department of Agriculture:	
Rural Electrification Administration:	
Amendment of allocation of funds for loan.....	810
Department of Labor:	
Wage and Hour Division:	
Bakery industry, issuance of certificate for employment of learners.....	810
Federal Trade Commission:	
Michigan Bean Shippers Assn., et al., order appointing examiner, etc.....	811

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of February, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer



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of the respondent and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Affiliated Products, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cosmetics in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from disseminating or causing to be disseminated any advertisements by means of the United States mails, or in commerce as commerce is defined in the Federal Trade Commission Act by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of cosmetics now designated by the names of Edna Wallace Hopper's Special Restorative Cream and Edna Wallace Hopper's White Youth Pack (Clay) or any other cosmetics composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or any other name or names or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as commerce is defined in the Federal Trade Commission Act of said cosmetics, (1) which advertisements represent, directly or through implication, that respondent's cosmetic now des-

ignated Edna Wallace Hopper's Special Restorative Cream is the discovery of a great French scientist; that its use will rejuvenate the skin or restore the oils of youth or restore youthful appearance to aged skin; that its use will make one's face appear ten or any number of years younger; that it will keep the skin young and prevent or erase wrinkles or age lines; or that it is a restorative cream; (2) which advertisements represent, directly or through implication, that respondent's product now designated Edna Wallace Hopper's White Youth Pack (Clay) is of French origin; that it will nourish or revive the skin; that said preparation will remove blackheads or eliminate enlarged pores or have any beneficial effect thereon other than that the use of this preparation may loosen blackheads and thereby aid in the removal thereof, or (3) which advertisements use the word "Restorative," or any word or words of similar import or meaning, in the trade name designating, or otherwise in describing, the preparation now designated Edna Wallace Hopper's Special Restorative Cream.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-820; Filed, February 27, 1940;
10:33 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

STANDARDS UNDER THE TEA ACT

Pursuant to the authority of sections 2 and 3 of the Federal Tea Act (29 Stat. 604; 35 Stat. 163; as amended 41 Stat. 712; 21 U.S.C. 41), the following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Act for the year beginning May 1, 1940, and ending April 30, 1941. Section 170.19 (b) is hereby amended to read as follows:

"§ 170.19 (b) The following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Act for the year beginning May 1, 1940, and ending April 30, 1941:

- "(1) Formosa Oolong.
- "(2) Formosa Black.
- "(3) Congou.
- "(4) Java (to be used for all fully fermented teas excepting China, Japan, and Formosa).
- "(5) Japan Black.
- "(6) Japan Green.

"(7) Japan Dust.

"(8) Gunpowder (to be used for all China green teas).

"(9) Scented Canton (to be used for all scented teas).

"(10) Canton Oolong.

"These standards apply to tea shipped from abroad on or after May 1, 1940. Tea shipped prior to May 1, 1940, will be governed by the standards which became effective May 1, 1939."

[SEAL] H. A. WALLACE,
Secretary of Agriculture.
FEBRUARY 27, 1940.

[F. R. Doc. 40-821; Filed, February 27, 1940;
10:49 a. m.]

IN THE MATTER OF PUBLIC HEARING RELATIVE TO REGULATION, FIXING AND ESTABLISHING UNDER ITS COMMON OR USUAL NAME A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE CANNED FOODS PREPARED FROM ONE OR ANY MIXTURE OF TWO OR MORE OF CERTAIN VEGETABLES (F. D. C.-8)

ORDER PROMULGATING REGULATION FOR EACH OF CERTAIN CANNED FOODS PREPARED FROM CERTAIN SUCCULENT VEGETABLES AND SETTING FORTH FINDINGS FROM WHICH IT IS DETERMINED NOT TO PROMULGATE SUCH REGULATIONS FOR CANNED FOODS PREPARED FROM MIXTURES OF TWO OR MORE OF SUCH VEGETABLES

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040-1055; 21 U.S.C. (Supp. IV) 301-392; Sec. 401, 52 Stat. 1046; 21 U.S.C. 341; Sec. 701 (a) (e), 52 Stat. 1055; 21 U.S.C. (Supp. IV) 371 (a) (e)), and based upon substantial evidence of record at the hearing in the above-entitled matter,¹ detailed findings of fact are made, as follows:

Findings of Fact

1. *Common or usual names.* That the names whereby canned vegetables are herein designated are the common or usual names thereof. That the common or usual name of each of the forms of vegetables herein specified as optional vegetable ingredients is the name or names whereby such form is herein designated; except that "halved" is a synonym of "halves", "quartered" of "quarters", "sliced" of "slices", "diced" of "dice", "whole kernel" of "whole grain", "cream style" of "crushed", "spears" of "stalks", "cuts—tips removed" of "bottom cuts", "French style" and "julienne" and "sliced lengthwise" of "shoestring" (in the cases of green beans and wax beans), "French style" and "julienne" of "shoestring" (in the cases of beets, carrots, parsnips, and potatoes).

2. *Succulent vegetables.* That when each vegetable for which a definition and standard of identity is herein prescribed is canned it is in the succulent state and is of sufficient size to be suitable and use-

¹ 4 F.R. 2156, 3610.

ful for food and has not lost its natural moisture and tenderness and has not become hard or tough.

3. *General pre-canning and canning procedure.* That such vegetables are prepared for canning by cleaning them and by removing inedible, undesirable and unsuitable portions (excepting the cobs of corn-on-the-cob and certain portions of the artichoke). That vegetables so prepared are placed either whole or in other forms, as hereinafter specified, in cans and sufficient water is added to permit processing with heat to prevent spoilage (except that pimientos are occasionally canned without added water, and sweet potatoes in mashed form are always canned without added water). That citric acid or a vinegar, in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article, may be added as optional acidulating ingredients (except that citric acid or a vinegar in artichokes is a necessary ingredient). That salt, a vinegar, spice, refined sugar (sucrose), refined corn sugar (dextrose), or any combination of these, may be added as optional seasoning ingredients in quantities sufficient to season the article. That steam or hot water may be applied to the vegetables for softening or blanching; and the container is sealed and the vegetables are so processed with heat as to prevent spoilage. That when a vinegar or spice is used as an optional seasoning ingredient, such use should be stated on the label.

4. *Names of canned vegetables.* That the names of the canned vegetables for which definitions and standards of identity are herein prescribed are:

Artichokes.
Asparagus.
Bean Sprouts.
Green Beans, Green Stringless Beans or Stringless Green Beans.
Wax Beans or Stringless Wax Beans.
Shelled Beans.
Lima Beans or Butter Beans.
Beets.
Beet Greens.
Broccoli.
Brussels Sprouts.
Cabbage.
Carrots.
Cauliflower.
Celery.
Collards.
White Sweet Corn, White Sugar Corn or White Corn.
Yellow Sweet Corn, Yellow Sugar Corn, Yellow Corn, Golden Sweet Corn, Golden Sugar Corn, or Golden Corn.
Field Corn.
Dandelion Greens.
Kale.
Mushrooms.
Mustard Greens.
Okra.
Onions.
Parsnips.
Black-eye Peas or Black-eyed Peas.
Field Peas.

Green Sweet Peppers.
Red Sweet Peppers.
Pimientos or Pimentos.
Potatoes.
Sweet Potatoes.
Rutabagas.
Salsify.
Spinach.
Swiss Chard.
Truffles.
Turnip Greens.
Turnips.

5. *Artichokes—Source.* That the artichoke ingredient in canned artichokes is prepared from the flower buds of the artichoke plant.

Optional artichoke ingredients. That each of the following forms of artichoke is an optional artichoke ingredient: whole; halves; whole hearts; halved hearts; quartered hearts.

Other optional ingredients. That an edible vegetable oil is an optional ingredient of canned artichokes.

Acid a necessary ingredient. That citric acid or a vinegar, in such quantity as to reduce the pH of the finished canned artichokes to 4.5 or below, is a necessary ingredient to permit effective processing by heat without impairing the article.

Optional ingredients declared on label. That the optional artichoke ingredient used, and any edible vegetable oil used, should be stated on the label.

6. *Asparagus—Source.* That the asparagus ingredient in canned asparagus is prepared from the sprouts of the asparagus plant.

Optional asparagus ingredients. That each of the following forms of asparagus is an optional asparagus ingredient: stalks; peeled stalks; cut stalks; tips; points; bottom cuts. That stalks are the upper edible portion, not less than 4 inches in length, of the asparagus sprout; that tips are the upper portion of such sprouts, less than 4 inches but not less than 3¼ inches in length; that points are the extreme upper portion of such sprout, less than 3¼ inches in length; and that bottom cuts are the cut edible portion of such sprout from which the tip has been removed.

Optional ingredients declared on label. That the optional asparagus ingredient used should be stated on the label.

7. *Bean sprouts—Source.* That the bean sprout ingredient in canned bean sprouts is prepared from the sprouts of the Mung bean.

8. *Green beans—Source.* That the bean ingredient in canned green beans is prepared from the pods of green beans.

Optional green bean ingredients. That each of the following forms of green beans is an optional green bean ingredient: whole; cut; shoestring.

Optional ingredients declared on label. That the optional green bean ingredient used should be stated on the label.

Synonyms. That "green stringless beans" and "stringless green beans" are synonyms of "green beans".

9. *Wax beans—Source.* That the bean ingredient in canned wax beans is prepared from the pods of wax beans.

Optional wax bean ingredients. That each of the following forms of wax beans is an optional wax bean ingredient: whole; cut; shoestring.

Optional ingredients declared on label. That the optional wax bean ingredient used should be stated on the label.

Synonyms. That "stringless wax beans" is a synonym of "wax beans".

10. *Shelled beans—Source; optional ingredient.* That the bean ingredient in canned shelled beans is prepared from the seed shelled from green or wax bean pods, with or without the optional ingredient snaps consisting of pieces of immature pods of unshelled green or wax beans.

Optional ingredient declared on label. That snaps, when used, should be stated on the label.

11. *Lima beans—Source.* That the bean ingredient in canned lima beans is prepared from the seed shelled from lima bean pods.

Synonym. That "butter beans" is a synonym of "lima beans".

12. *Beets—Source.* That the beet ingredient of canned beets is prepared from the root of the beet plant.

Optional beet ingredients. That each of the following forms of beets is an optional beet ingredient: whole; slices; quarters; dice; cut; shoestring.

Optional ingredients declared on label. That the optional beet ingredient used should be stated on the label.

13. *Beet greens—Source.* That the greens ingredient of canned beet greens is prepared from the leaves, or the leaves and immature root, of the beet plant.

14. *Broccoli—Source.* That the broccoli ingredient of canned broccoli is prepared from the heads of the broccoli plant.

15. *Brussels sprouts—Source.* That the Brussels sprouts ingredient of canned Brussels sprouts is prepared from the sprouts of the Brussels sprouts plant.

16. *Cabbage—Source.* That the cabbage ingredient of canned cabbage is prepared from cut pieces of heads of the cabbage plant.

17. *Carrots—Source.* That the carrot ingredient of canned carrots is prepared from the root of the carrot plant.

Optional carrot ingredients. That each of the following forms of carrots is an optional carrot ingredient: whole; slices; quarters; dice; cut; shoestring.

Optional ingredients declared on label. That the optional carrot ingredient used should be stated on the label.

18. *Cauliflower—Source.* That the cauliflower ingredient of canned cauliflower is prepared from cut pieces of the head of the cauliflower plant.

19. *Celery—Source.* That the celery ingredient of canned celery is prepared from the stalks of the celery plant.

Optional celery ingredients. That each of the following forms of celery is an optional celery ingredient: cut; hearts.

Optional ingredients declared on label. That the optional celery ingredient used should be stated on the label.

20. *Collards—Source.* That the collard ingredient of canned collards is prepared from the leaves of the collard plant.

21. *White sweet corn—Source.* That the corn ingredient of canned white sweet corn is prepared from the ears of white sweet corn.

Optional corn ingredients. That each of the following forms of white sweet corn is an optional corn ingredient: whole grain; crushed; on cob.

Other optional ingredients. That starch in quantity not more than sufficient to prevent curdling or lumpiness is an optional ingredient in the canning of the crushed form when the corn is so immature as to be deficient in natural starch.

Optional ingredients declared on label. That the optional corn ingredient used, and any starch added, should be stated on the label.

Synonyms. That "white corn" and "white sugar corn" are synonyms of "white sweet corn".

22. *Yellow sweet corn—Source.* That the corn ingredient of canned yellow sweet corn is prepared from the ears of yellow sweet corn.

Optional corn ingredients. That each of the following forms of yellow sweet corn is an optional corn ingredient: whole grain; crushed; on cob.

Other optional ingredients. That starch in quantity not more than sufficient to prevent curdling or lumpiness is an optional ingredient in the canning of the crushed form when the corn is so immature as to be deficient in natural starch.

Optional ingredients declared on label. That the optional corn ingredients used, and any starch added, should be stated on the label.

Synonyms. That "yellow corn", "yellow sugar corn", "golden corn", "golden sugar corn", and "golden sweet corn" are synonyms of "yellow sweet corn".

23. *Field corn—Source.* That the corn ingredient of canned field corn is prepared from the ears of field corn.

Optional corn ingredients. That each of the following forms of field corn is an optional corn ingredient: whole grain; crushed.

Optional ingredients declared on label. That the optional corn ingredient used should be stated on the label.

24. *Dandelion greens—Source.* That the greens ingredient of canned dandelion greens is prepared from the leaves of the dandelion plant.

25. *Kale—Source.* That the kale ingredient of canned kale is prepared from the leaves of the kale plant.

26. *Mushrooms—Source.* That the mushroom ingredient of canned mush-

rooms is prepared from edible mushrooms.

Optional mushroom ingredients. That each of the following forms of mushrooms is an optional mushroom ingredient: buttons; whole; slices; pieces and stems.

Optional ingredients declared on label. That the optional mushroom ingredient used should be stated on the label.

27. *Mustard greens—Source.* That the greens ingredient of canned mustard greens is prepared from the leaves of the mustard plant.

28. *Okra—Source.* That the okra ingredient of canned okra is prepared from the pods of the okra plant.

Optional okra ingredients. That each of the following forms of okra is an optional okra ingredient: whole; cut.

Optional ingredients declared on label. That the optional okra ingredient used should be stated on the label.

29. *Onions—Source.* That the onion ingredient of canned onions is prepared from the bulb of the onion plant.

Optional onion ingredients. That each of the following forms of onion is an optional onion ingredient: whole; cut.

Optional ingredients declared on label. That the optional onion ingredient used should be stated on the label.

30. *Parsnips—Source.* That the parsnip ingredient of canned parsnips is prepared from the root of the parsnip plant.

Optional parsnip ingredients. That each of the following forms of parsnip is an optional parsnip ingredient: whole; quarters; slices; cut; shoestring.

Optional ingredients declared on label. That the optional parsnip ingredient used should be stated on the label.

31. *Black-eye peas—Source; optional ingredients.* That the pea ingredient of canned black-eye peas is prepared from the seed shelled from pods of black-eye peas, with or without the optional ingredient snaps consisting of pieces of immature pods of unshelled black-eye peas.

Optional ingredients declared on label. That the snaps, when used, should be stated on the label.

Synonym. That "black-eyed peas" is a synonym of "black-eye peas".

32. *Field peas—Source; optional ingredients.* That the pea ingredient of canned field peas is prepared from the seed shelled from pods of field peas other than black-eye peas, with or without the optional ingredient snaps consisting of pieces of immature pods of unshelled field peas.

Optional ingredients declared on label. That the snaps, when used, should be stated on the label.

33. *Green sweet peppers—Source.* That the pepper ingredient of canned green sweet peppers is prepared from the green pods of the sweet pepper plant.

Optional pepper ingredients. That each of the following forms of green

sweet peppers is an optional pepper ingredient: whole; halves; pieces.

Optional ingredients declared on label. That the optional pepper ingredient used should be stated on the label.

34. *Red sweet peppers—Source.* That the pepper ingredient of canned red sweet peppers is prepared from the red-ripe pods of the sweet pepper plant.

Optional pepper ingredients. That each of the following forms of red sweet peppers is an optional pepper ingredient: whole; halves; pieces.

Optional ingredients declared on label. That the optional pepper ingredient used should be stated on the label.

35. *Pimientos—Source.* That the pimiento ingredient of canned pimientos is prepared from the red-ripe pods of the pimiento, or pimento, pepper plant.

Optional pimiento ingredients. That each of the following forms of pimiento is an optional pimiento ingredient: whole; halves; pieces.

Other optional ingredients. That edible vegetable oil is an optional ingredient of canned pimientos.

Optional ingredients declared on label. That the optional pimiento ingredient used and the edible vegetable oil used, should be stated on the label.

Synonym. That "pimentos" is a synonym of "pimientos".

36. *Potatoes—Source.* That the potato ingredient of canned potatoes is prepared from the tubers of the potato plant.

Optional potato ingredients. That each of the following forms of potato is an optional potato ingredient: whole; slices; dice; pieces; shoestring.

Optional ingredients declared on label. That the optional potato ingredient used should be stated on the label.

37. *Sweet potatoes—Source.* That the sweet potato ingredient of canned sweet potatoes is prepared from the tubers of the sweet potato plant.

Optional sweet potato ingredients. That each of the following forms of sweet potato is an optional sweet potato ingredient: whole; pieces; mashed.

Optional ingredients declared on label. That the optional sweet potato ingredient used should be stated on the label.

38. *Rutabagas—Source.* That the rutabaga ingredient of canned rutabagas is prepared from the root of the rutabaga plant.

Optional rutabaga ingredients. That each of the following forms of rutabagas is an optional rutabaga ingredient: whole; quarters; slices; dice; cut.

Optional ingredients declared on label. That the optional rutabaga ingredient used should be stated on the label.

39. *Salsify—Source.* That the salsify ingredient of canned salsify is prepared from the root of the salsify plant.

40. *Spinach—Source.* That the spinach ingredient of canned spinach is prepared from the leaves of the spinach plant.

41. *Swiss chard—Source.* That the Swiss chard ingredient of canned Swiss

chard is prepared from the leaves of the Swiss chard plant.

42. *Truffles*—Source. That the truffle ingredient of canned truffles is prepared from the fruit of truffles.

43. *Turnip greens*—Source. That the greens ingredient of canned turnip greens is prepared from the leaves of the turnip plant.

44. *Turnips*—Source. That the turnip ingredient of canned turnips is prepared from the root of the turnip plant.

Optional turnip ingredients. That each of the following forms of turnip is an optional turnip ingredient: whole; quarters; slices; dice; cut.

Optional ingredients declared on label. That the optional turnip ingredient used should be stated on the label.

45. *Vegetable mixtures.* In respect to the proposal concerning mixtures of two or more succulent vegetables, there is no substantial evidence that there is any standard proportion of vegetables used in canning such mixtures; nor is there any substantial evidence that the proportions given in cookbooks for preparing such mixtures in the home, are reasonable proportions to be required for the commercially canned article. It is therefore found that there exists no basis for the promulgation of a regulation fixing and establishing a reasonable definition and standard of identity for any of the canned foods prepared from mixtures of two or more of the succulent vegetables listed in the proposal; and, therefore, no such regulation is issued and promulgated in this order.

46. *Kohlrabi.* In respect to the proposal of the Secretary concerning canned kohlrabi there is no substantial evidence that this vegetable has been or is commercially canned, or that a definition and standard of identity for it would promote honesty and fair dealing in the interest of consumers. It is, therefore, found that there exists no basis for the promulgation of a regulation fixing and establishing a definition and standard of identity for canned kohlrabi.

Based on the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE CANNED VEGETABLES PREPARED FROM ONE OF THE SUCCULENT VEGETABLES HEREINAFTER LISTED

§ 52.990 *Canned vegetables—Identity; label statements of optional ingredients.*

(a) The canned vegetables for which definitions and standards of identity are prescribed by this section are those named in column I of the table set forth in subsection (b). The vegetable ingredient in each such canned vegetable is obtained by proper preparation from

the succulent vegetable prescribed in column II of such table. If two or more forms of such ingredient are designated in column III of such table, the vege-

table in each such form is an optional ingredient.

(b) The table referred to in subsection (a) is as follows:

I	II	III
Name or synonym of canned vegetable	Source	Optional forms of vegetable ingredient
Artichokes.....	Flower buds of the artichoke plant.....	Whole; half or halves or halved; whole hearts; halved hearts; quartered hearts.
Asparagus.....	Edible portions of sprouts of the asparagus plant, as follows: Four inches or more of upper end..... Four inches or more of peeled upper end..... Three and one-quarter to less than four inches of upper end..... Less than three and one-quarter inches of upper end..... Sprouts cut in pieces..... Sprouts from which the tip has been removed, cut in pieces.....	Stalks or spears. Peeled stalks or peeled spears. Tips. Points. Cut stalks or cut spears. Bottom cuts or cuts—tips removed.
Bean sprouts.....	Sprouts of the Mung bean.	
Green beans or green stringless beans or stringless green beans.....	Pods of the green bean plant.....	Whole; cut; sliced lengthwise or shoestring or French style or julienne.
Wax beans or stringless wax beans.....	Pods of the wax bean plant.....	Whole; cut; sliced lengthwise or shoestring or French style or julienne.
Shelled beans.....	Seed shelled from green or wax bean pods, with or without snaps (pieces of immature unshelled pods).	
Lima beans or butter beans.....	Seed shelled from the pods of the lima bean plant.	
Beets.....	Root of the beet plant.....	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Beet greens.....	Leaves, or leaves and immature root, of the beet plant.	
Broccoli.....	Heads of the broccoli plant.	
Brussels sprouts.....	Sprouts of the Brussels sprouts plant.	
Cabbage.....	Cut pieces of the heads of the cabbage plant.	
Carrots.....	Root of the carrot plant.....	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Cauliflower.....	Cut pieces of the head of the cauliflower plant.	
Celery.....	Stalks of the celery plant.	Cut; hearts.
Collards.....	Leaves of the collard plant.	
White sweet corn or White corn or	Seed cut from ears of white sweet corn..... Seed cut and scraped from ears of white sweet corn.....	Whole grain or whole kernel. Cream style or crushed.
White sugar corn.....	Ears of white sweet corn.....	On cob.
Yellow sweet corn or Yellow corn or Yellow sugar corn or	Seed cut from ears of yellow sweet corn..... Seed cut and scraped from ears of yellow sweet corn.....	Whole grain or whole kernel. Cream style or crushed.
Golden corn or Golden sugar corn or	Ears of yellow sweet corn.....	On cob.
Golden sweet corn.....	Seed cut from ears of field corn.....	Whole grain or whole kernel. Cream style or crushed.
Field corn.....	Seed cut and scraped from ears of field corn.	
Dandelion greens.....	Leaves of the dandelion plant.	
Kale.....	Leaves of the kale plant.	
Mushrooms.....	Cap and stem of the mushroom.....	Buttons; whole; slices or sliced; pieces and stems.
Mustard greens.....	Leaves of the mustard plant.	
Okra.....	Pods of the okra plant.....	Whole; cut.
Onions.....	Bulb of the onion plant.....	Whole; quarters or quartered; slices or sliced; cut; shoestring or French style or julienne.
Parsnips.....	Root of the parsnip plant.....	
Black-eye peas or black-eyed peas.....	Seed shelled from pods of the black-eye pea plant, with or without snaps (pieces of immature unshelled pods).	
Field peas.....	Seed shelled from pods of the field pea plant (other than the black-eye pea plant), with or without snaps (pieces of immature unshelled pods).	
Green sweet peppers.....	Green pods of the sweet pepper plant.....	Whole; halves or halved; pieces.
Red sweet peppers.....	Red-ripe pods of the sweet pepper plant.....	Whole; halves or halved; pieces.
Pimientos or pimentos.....	Red-ripe pods of the pimiento, or pimento, pepper plant.....	Whole; halves or halved; pieces.
Potatoes.....	Tuber of the potato plant.....	Whole; slices or sliced; dice or diced; pieces; shoestring or French style or julienne.
Sweet potatoes.....	Tuber of the sweet potato plant.....	Whole; pieces; mashed.
Rutabagas.....	Root of the rutabaga plant.....	Whole; quarters or quartered; slices or sliced; dice or diced; cut.
Salsify.....	Root of the salsify plant.	
Spinach.....	Leaves of the spinach plant.	
Swiss chard.....	Leaves of the Swiss chard plant.	
Truffles.....	Fruit of the truffle.	
Turnip greens.....	Leaves of the turnip plant.	
Turnips.....	Root of the turnip plant.....	Whole; quarters or quartered; slices or sliced; dice or diced; cut.

(c) To the vegetable ingredient water is added; except that pimientos may be canned with or without added water, and sweetpotatoes in mashed form are canned without added water. In the case of artichokes, citric acid or a vinegar is added in such quantity as to reduce the

pH of the finished canned vegetable to 4.5 or below. The following optional ingredients, in the cases of the vegetables specified, may be added:

(1) Citric acid or a vinegar, in the cases of all vegetables (except artichokes

in which such ingredient is necessary) in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

(2) An edible vegetable oil, in the cases of artichokes and pimientos.

(3) Starch, in the cases of white sweet corn (cream style or crushed form) and yellow sweet corn (cream style or crushed form), in a quantity not more than sufficient to insure smoothness.

(4) Snaps, in the cases of shelled beans, black-eye peas, and field peas.

In the cases of all vegetables one or more of the following optional seasoning ingredients may be added in a quantity sufficient to season the food:

- (5) Salt.
- (6) A vinegar.
- (7) Spice.
- (8) Refined sugar (sucrose).
- (9) Refined corn sugar (dextrose).

The food is sealed in a container and so processed by heat as to prevent spoilage.

(d) The name of each canned vegetable for which a definition and standard of identity is prescribed by this section is the name or any synonym thereof where by such vegetable is designated in column I of the table in subsection (b).

(e) If two or more forms of the vegetable are specified in column III of the table in subsection (b), the label shall bear the specified word or words, or in case synonyms are so specified, one of such synonyms, showing the form of the vegetable ingredient present.

(f) (1) If optional ingredient (c) (2) is present, the label shall bear the statement "----- Oil Added" or "With Added ----- Oil" (the blank to be filled in with the common or usual name of the oil). If optional ingredient (c) (3) is present, the label shall bear the statement "Starch Added to Insure Smoothness". If optional ingredient (c) (4) is present, the label shall bear the statement "With Snaps".

(2) If optional seasoning ingredient (c) (6) is present, the label shall bear the statement "Seasoned with Vinegar" or "Seasoned With ----- Vinegar" (the blank to be filled in with the common or usual name of the vinegar). If optional seasoning ingredient (c) (7) is present, the label shall bear the statement "Spice Added" or "With Added Spice".

(3) If a vinegar, spice, and edible vegetable oil, or any two of these are present, the label may bear, in lieu of the statements herein prescribed showing the presence of such ingredients, a combination of such statements, as for example, "With Added Cider Vinegar, Spice, and Olive Oil".

(g) Wherever the name of the vegetable appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in subsections (e) and (f) shall immediately and conspicuously precede or follow such name,

without intervening written, printed, or graphic matter, except that the varietal name of the vegetable may so intervene.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on the ninetieth day after the issuance of this order and the filing of the same with the Archivist of the United States for publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of February 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-825; Filed, February 27, 1940;
12:01 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 435]

AMENDMENT OF ALLOCATION OF FUNDS FOR LOAN

FEBRUARY 19, 1940.

I hereby amend Administrative Order No. 428, dated January 13, 1940, by changing the project designation "Utah 8008W2 Duchesne" appearing therein to read: "Utah 0008W2 Duchesne".

[SEAL]

ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 40-819; Filed, February 27, 1940;
10:09 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE BAKERY PRODUCTS INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Bakery Products Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to the employer listed below effective February 28, 1940 until October 24, 1940 unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES AND CONDITIONS

The employment of learners in the Bakery Products Industry under this Certificate is limited to the following occupations, learning period, and minimum wage rate:

(1) A learner is a person who has not been previously employed for more than six (6) weeks in the aggregate during the preceding three (3) years as a packer, feeder, or wrapper.

(2) The employment of learners under this certificate is limited to the occupations of packing, feeding, and wrapping and for six (6) weeks for any one learner. During this period, no learner may be paid at a rate less than 25¢ an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour.

(3) This Special Certificate is issued on representations by the employer that: (a) experienced operators are not available, and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under this Special Certificate, no learners shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended, and is subject to cancellation sooner by the Administrator or his authorized representative for cause. The Certificate may be canceled as of the date of issuance if it is found, upon objection duly filed within fifteen days following the publication of notice of issuance, that the issuance of this Certificate was not necessary to prevent curtailment of opportunities for employment. The Certificate may be canceled prospectively or as of the date of violation if it is found that any of its terms have been violated or that experienced workers have become available. Altering or attempting to alter this Certificate will render it invalid.

NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

J. B. Carr Biscuit Co., Park Street, Greenwood, S. C.; products, crackers and cookies; number of learners, up to 5 but not more than 5% of the total number of factory workers engaged in the learner occupations.

Signed at Washington, D. C., this 27th day of February 1940.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-822; Filed, February 27, 1940;
11:11 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of February, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H.

March, William A. Ayres, Robert E. Freer.

[Docket No. 3937]

IN THE MATTER OF MICHIGAN BEAN SHIPPERS ASSOCIATION, A NON-PROFIT CORPORATION, ITS OFFICERS, L. W. TODD, PRESIDENT, R. C. SMITH, VICE-PRESIDENT, L. L. GREEN, VICE-PRESIDENT, ASA E. WALCOTT, SECRETARY-TREASURER; ITS DIRECTORS, R. C. SMITH, L. L. GREEN, L. W. TODD, CLAUDE H. ESTEE, E. H. BUESCHLEN, WILLIAM R. NEUMANN, A. L. WARD: ITS MEMBERS, CHARLES WOLOHAN, INC., J. P. BURROUGHS AND SON, HAMMERSLAG & TINKHAM, INC., MINOR WALTON BEAN COMPANY, MICHIGAN ELEVATOR EXCHANGE,

RYON GRAIN COMPANY, STICKLE-SWIFT, INC., HART BROTHERS, MICHIGAN BEAN COMPANY, INDIVIDUALLY AND AS REPRESENTATIVE MEMBERS OF SAID ASSOCIATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, March 19, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in Room 859, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-824; Filed, February 27, 1940; 11:56 a. m.]

